

## UNITED STATES DISTRICT COURT

for the  
District of New JerseyUnited States of America  
v.

HUGO ORTIZ VALENTIN

Case No.

21-2009 (AMD)

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Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 3, 2020 in the county of Atlantic in the  
                     District of New Jersey, the defendant(s) violated:*Code Section*

8 U.S.C. § 1326(a)

*Description of Offenses*Illegally re-entering the United States without the express consent of the  
Secretary of Homeland Security or the Attorney General of the United States  
(See Attachment A)

This criminal complaint is based on these facts:

See Attachment B

☒ Continued on the attached sheet.*Complainant's signature*

ICE Deportation Officer Natasha A. McSeed

*Printed name and title*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by

                     telephone                      (specify reliable electronic means).Date: 02/01/2021*Judge's signature*City and state: District of New Jersey

Hon. Ann Marie Donio, U.S.M.J.

*Printed name and title*

## CONTENTS APPROVED

UNITED STATES ATTORNEY

By:   
Gabriel J. Vidoni, Assistant U.S. Attorney

Date: February 1, 2021

**ATTACHMENT A**

On a date on or after April 14, 2012, and on or before December 3, 2020, in Atlantic County, in the District of New Jersey and elsewhere, defendant

HUGO ORTIZ VALENTIN,

being an alien who was deported and removed and had departed the United States while an order of deportation or removal was outstanding, without the express consent of the Secretary of Homeland Security or the Attorney General to reapply for admission prior to his re-embarkation at a place outside the United States, did knowingly and voluntarily enter, and on or about December 3, 2020, was found in, the United States.

In violation of Title 8, United States Code Section 1326(a).

**ATTACHMENT B**

I, Natasha A. McSeed, a Deportation Officer of the United States Immigration and Customs Enforcement (“ICE”), have knowledge of the following facts based on my own investigation and conversations with other individuals involved in this investigation. I have not included in this affidavit all of the facts known to me. Rather, I have included only those facts which I believe are necessary to establish probable cause.

1. Defendant HUGO ORTIZ VALENTIN (“the Defendant”), is a native and citizen of Mexico.

2. On or about October 3, 2006, the Defendant was arrested in or around Atlantic City, New Jersey and charged with criminal sexual contact, in violation of N.J.S.A. § 2C:14-3B. On or about March 5, 2007, the charges against the Defendant were adjudicated in the Superior Court of New Jersey, Chancery Division, Family-Part, County of Atlantic as a juvenile disposition. As part of the disposition, the court sentenced the Defendant to 18-months’ probation and required him to register as a sex offender in New Jersey.

3. On or about December 12, 2010, officers with the Ventnor City Police Department in New Jersey arrested the Defendant and charged him with burglary and theft.

4. On or about March 9, 2011, a U.S. Immigration Judge in Newark, New Jersey issued an Order of Removal ordering the Defendant to be removed to Mexico.

5. On or about March 25, 2011, the Defendant was removed to Mexico. On or about March 14, 2011, before the Defendant’s removal from the United States, a Deportation Officer provided notice to the Defendant that since he was found to be inadmissible, he was prohibited from entering the United States for a period of 10 years. The Defendant was also

warned that it is a crime for any alien who has been removed from the United States to enter, attempt to enter or be found in the United States without the Secretary of Homeland Security's express consent and that entering the United States without the Secretary's consent was a felony punishable by a period of imprisonment. This second prohibition never expires.

6. On or about January 19, 2012, a Border Patrol Agent encountered the Defendant near Sasabe, Arizona and took him into custody.

7. On or about January 20, 2012, the prior Order of Removal was reinstated. On or about January 23, 2012, the Defendant was removed to Mexico.

8. On or about January 30, 2012, a Border Patrol Agent encountered the Defendant again near Sells, Arizona and took him into custody

9. On or about February 1, 2012, the Defendant was convicted in the U.S. District Court for the District of Arizona of Illegal Entry, in violation of Title 8, United States Code, Section 1325(a)(1), and sentenced on the same date to 75 days' imprisonment.

10. On or about April 14, 2012, the Defendant was removed to Mexico.

11. At an unknown date after April 14, 2012, the Defendant re-entered the United States at an unknown location without permission from the Attorney General or the Secretary of Homeland Security.

12. On or about September 15, 2020, officers with the Galloway Township Police Department in New Jersey arrested the Defendant on charges of assault by automobile by reckless driving and causing injuries to others while under the influence of alcohol.

13. On or about December 3, 2020, an ICE Deportation Officer took the Defendant into custody at the Atlantic County Jail in New Jersey.

14. The Defendant's identity was confirmed through fingerprint analysis. Specifically, a fingerprint examiner from the Federal Bureau of Investigation compared the fingerprints taken from the Defendant during his prior apprehensions by Border Patrol Agents and the removals described above with fingerprints taken from the Defendant when he was taken into ICE custody on December 3, 2020, and determined that the fingerprints were identical.

15. Neither the Attorney General of the United States nor the Secretary of Homeland Security at any time authorized the Defendant's re-entry into the United States following his April 14, 2012 removal or issuance of the Order of Removal on March 9, 2011.

Pursuant to Fed. R. Crim. P. 4.1, Natasha A. McSeed, ICE Deportation Officer was sworn and attested to the contents of this affidavit in support of the criminal complaint and arrest warrant requested herein.



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HON. ANN MARIE DONIO  
United States Magistrate Judge

Date: February 1st, 2021